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**CONFORMED COPY**  
**OF ORIGINAL FILED**  
**Los Angeles Superior Court**  
**SEP 10 2007**  
John A. Clarke, Executive Officer/Clerk  
By EDUARDO CHANES, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**FOR THE COUNTY OF LOS ANGELES**

BC377206

PEOPLE OF THE STATE OF CALIFORNIA;  
SCOTT H. HOWARD, CITY ATTORNEY OF  
THE CITY OF GLENDALE; AND THE CITY  
OF GLENDALE, a Municipal Corporation,

Plaintiffs,

vs.

GRAND VIEW MEMORIAL PARK, INC.;  
MOSHE GOLDSMAN, An Individual; THE  
ESTATE OF MARSHA L. HOWARD,  
Deceased; THOMAS TRIMBLE,  
ADMINISTRATOR OF ESTATE OF  
MARSHA L. HOWARD; and DOES 1 through  
50, Inclusive,

Defendants.

Case No.:

**COMPLAINT FOR PRELIMINARY  
AND PERMANENT INJUNCTIVE  
RELIEF AND DECLARATORY  
JUDGMENT**

[Exempt from filing fees pursuant to  
Government Code §6103]

Plaintiffs allege:

1. This action is brought in the name of the People of the State of California pursuant to Code of Civil Procedure § 731, to enjoin the continued maintenance of certain conditions constituting a public nuisance on the property known as Grand View Memorial Park, located at 1341 Glenwood Road, in the City of Glendale, County of Los Angeles, State of California. Said action is additionally brought in the name of the City of Glendale, a municipal Corporation existing under and by virtue of the laws of the State of California, located in the County of Los Angeles, to abate said conditions on

1 said property pursuant to Civil Code §3494.

2 2. The Council of the City of Glendale has duly authorized the filing of this action.

3 3. Plaintiffs do not know the true names and capacities of the defendants sued herein as  
4 Does 1 through 50, inclusive, and therefore sue those defendants under such fictitious names.  
5 Plaintiffs will seek leave to amend this complaint by inserting their true names and capacities when  
6 ascertained.

7 4. Plaintiffs are informed and believe and based thereon allege that each of the  
8 fictitiously-named defendants have some interest, whether legal or equitable, in the real property  
9 described in this complaint, and are responsible in some manner for the conditions complained of and  
10 the continuing maintenance of those conditions, the facts of which are more fully described below.

11 5. On information and belief, plaintiffs allege that at all material times, each defendant  
12 acted as an agent, servant and employee of each other defendant. The defendants, and each of them,  
13 were acting within the time, place, scope, course and authority of their agency and employment.

14 6. Plaintiffs are informed and believe and based thereon allege that at all pertinent times  
15 defendant Grand View Memorial Park, Inc., Moshe Goldsman, an Individual, and The Estate of  
16 Marsha L. Howard and/or Thomas Trimble, Administrator of Estate of Marsha L. Howard, Does 1  
17 through 50, and each of them, were and are the owners of record and/or are in control of the real  
18 property consisting of land and which collectively is referred to in this complaint as the "subject  
19 property", located at 1341 Glenwood Road, Glendale, California 91201 and identified by Los Angeles  
20 County Assessor's Parcel Numbers 5622-025-038 and 5622-025-937.

21 7. Plaintiffs are informed and believe that at all times mentioned in this complaint,  
22 Marsha L. Howard was the President and director of the corporation. Howard was the majority  
23 shareholder of the corporation, holding approximately 51% of the shares. Howard died in November  
24 of 2006. Her estate is administered by Thomas Trimble. Moshe Goldsman was/is the secretary  
25 and/or vice-president director of the corporation and a member of the Board of Trustees. Goldsman  
26 is the minority shareholder of the corporation, holding approximately 49% of the shares. Charles F.  
27 Ramsey, Sr. was a member of the Board of Trustees. Thomas E. Trimble was a member of the Board  
28 of Trustees.

1           8.       At all pertinent times, the Glendale Building and Safety Code, Volume VI, Section  
2 126 (16.2) provides that “[n]o person who has any ownership or possessory interest in, or control of a  
3 parcel of land shall allow to exist thereon any hazardous refuse or hazardous grass, weeds, shrubs,  
4 trees, or other vegetation, which, by reason of proximity to a building or structure, constitutes a fire  
5 hazard.” “Hazardous vegetation” is defined as grass, weeds, shrubs, trees or other vegetation which  
6 are in such condition and location, or by the unique characteristics of a species, as to provide a ready  
7 fuel supply to augment the spread or intensity of a fire.

8           9.       At all pertinent times, the Glendale Building Code, Volume VI, Section 126 (16.3 and  
9 16.3.1) added by Glendale Ordinance No. 5329, provide that in order to provide sufficient defensible  
10 space against the start or spread of fire, each person who has any ownership or possessory interest in,  
11 or control of, a parcel of land shall: ‘Remove from the property all hazardous vegetation’ if such  
12 vegetation is within 100 feet of a building . . . .’ Moreover, trees, ornamental shrubbery and/or plants  
13 which are used as ground cover must be removed unless such are landscape material that are property  
14 irrigated and maintained and do not provide a ready fuel supply to augment the spread or intensity of  
15 a fire.

16           10.      Grand View Memorial Park consists of approximately 22 acres of property. The  
17 property houses several buildings, including, but not limited to, a chapel, two mausoleums,  
18 crematorium, caretaker’s residence, and a business office. Additionally, the landscaping consists of  
19 numerous trees and vast groundcover.

20           11.      Grand View Memorial Park ceased operations in June of 2006 and no longer allowed  
21 visitors to enter the Cemetery’s grounds. After requests from the community for the City of Glendale  
22 to assist family members in gaining access to the Cemetery, the City negotiated a limited access  
23 agreement with the owners that permitted the City to open the Cemetery’s grounds one day a week.  
24 The Cemetery was opened under that limited access agreement from August 27, 2006 through  
25 December 17, 2006. From January through June of 2007, the City continued to open the Cemetery  
26 but on a reduced schedule.

27           12.      After the City gained access to the subject property in June of 2006, numerous  
28 Building and Safety Code violations as well as Glendale Municipal Code violations were found to

1 exist. These violations include, but are not limited to dead vegetation, including grass and trees; lack  
2 of a functioning irrigation system; the maintenance of a fire hazard due to the dead vegetation and  
3 lack of irrigation system; the maintenance of a hazard due to the danger of dead or dying tree limbs  
4 falling.

5 13. The Cemetery's condition and lack of maintenance were and are a significant concern  
6 for the City. Due to an "Evidence Preservation Order" issued by Judge Anthony J. Mohr in Case No.  
7 BC342549 in connection with lawsuits involving operation of the Cemetery, the City has been limited  
8 in the actions it can take with regard to abating the nuisance.

9 14. Plaintiffs have previously made demands on defendants, and each of them, to abate  
10 said nuisance and will make further demands consistent with the Glendale Building and Safety Code.  
11 Nevertheless, the conditions at the subject property have remained in violation of the above-  
12 referenced code sections and as such are a hazard to the public health, safety and welfare.

13 15. At all material times since June 2006 and continuing to the present, said conditions, as  
14 set forth above, affect the personal welfare and property rights of a large number of inhabitants of the  
15 City of Glendale who reside near the Cemetery and who are detrimentally affected by the violations  
16 alleged herein. Said conditions on the subject property have been and continue to be a public  
17 nuisance as defined by Civil Code §3480. Said public nuisance is the result of the aforesaid Glendale  
18 Building and Safety Code and Glendale Municipal Code violations.

19 12. Plaintiffs are informed and believe and based thereon allege that unless and until said  
20 conditions are enjoined and restrained by order of this Court, defendants' continued failure to correct  
21 said conditions will continue to endanger the neighboring inhabitants' personal welfare and property  
22 rights.

23 13. Plaintiffs have no plain, speedy or adequate remedy at law for defendants' breach of  
24 duty and maintenance of a public nuisance, in that any other legal process has not, and will not, abate  
25 the existing hazardous and substandard conditions.

26 WHEREFORE, plaintiffs pray for the following:

27 1. For a decree by this Court declaring the conditions which exist at the property located  
28 at 1341 Glenwood Road, Glendale, California, constitute a public nuisance per se;

2. For an Order requiring defendants, and each of them, to show cause why they should not be ordered to immediately commence and complete all corrective work necessary to bring the property into full compliance with the Glendale Building & Safety Code, and Glendale Municipal Code;

3. For a Preliminary and Permanent Injunction requiring defendants, and each of them, and their respective officers, partners, agents, servants, employees, assigns, and all other persons acting under, in concert with or for them, to immediately bring the property into compliance with all Glendale Building & Safety Code and Glendale Municipal Code requirements, to the satisfaction of the Director of Public Works of the City of Glendale and/or the Fire Chief of the City of Glendale or any City official or his or her designee.

4. Alternatively, for an Order: (a) finding that defendants are not capable of providing the immediate abatement of a public nuisance; and (b) requiring defendants to remedy all conditions deemed to constitute a public nuisance per se; and/or (c) authorizing plaintiff City of Glendale to complete all necessary work to bring the property into compliance and to obtain reimbursement, through a lien or other means, from defendants and/or defendants' property.

5. For the appointment of a receiver to oversee the maintenance and safety issues, as set forth in the Notice of Motion and Motion for the Appointment of a Receiver to be subsequently filed.

6. For a continuing Order authorizing plaintiffs' officers, agents and/or employees to enter upon and inspect the property.

7. For reasonable costs plaintiffs incurred in this action including, but not limited to, the costs to enforce and/or remedy the aforementioned conditions, the costs of this suit, and attorney's fees;

8. For such other or further relief as the Court may deem just and proper

DATED: September 10, 2007

SCOTT H. HOWARD, CITY ATTORNEY

By: Ann Maurer  
ANN M. MAURER  
Attorneys for Plaintiffs